

6/26
SC

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WAI CHIU MAH,

Petitioner,

v.

JANET RENO, US ATTORNEY GENERAL,

Respondent.

CIVIL ACTION NOS.: 1:CV-00-131

(JUDGE KANE)

FILED
HARRISBURG, PA
JUN 23 2000
MARY E. O'ANDRAZ, CLERK
RECEIVED
Deputy Clerk

EXHIBITS TO SUPPLEMENTAL RESPONSE TO THE PETITION
FOR WRIT OF HABEAS CORPUS

DAVID M. BARASCH
United States Attorney

Anne K. Fiorenza
ANNE K. FIORENZA
Assistant U.S. Attorney
228 Walnut Street
Post Office Box 11754
Harrisburg, PA 17108
(717) 221-4482

Dated: June 23, 2000

EXHIBIT - 1

JUN-22-2000 17:14

INS DISTRICT COUNSEL
REVIEW WORKSHEET FOR215 656 7148 P.02/06
FILE REVIEW AND/OR

INTERVIEW

Detainee Name: MAH, Wai Chiu**Date of Birth:** 11/12/54 **"A" Number:** 13 930 516
BOP Number: 37808-054**AKA's:** Wah Chui MAH
Wai Chio MAH
Tony MAH**Country of Birth:** China**Citizenship:** China**Date of Arrival:** 3/6/65**Place of Arrival:** Honolulu, Hawaii**Manner of Arrival:** Parole**Last Date into INS Custody:** 3/18/98**Entered INS Custody from:** **Local, State, or Federal Institution**
 Other**Location:** FCI Allenwood**Institution Number:** 37808-054**Immigration History:** (Prior INS arrest[s]/parole/bond/custody information)

Describe: 07/25/66-Adjusted LPR
06/03/97-NTA issued
03/27/98-IJ Order of Removal
01/15/99-Appeal dismissed
09/24/99-Presentation to Consulate

Deportation Officer: John C. Crosson**Date of Review:** 05/01/00**Location Detained:** Snyder County Prison**Deportation/Exclusion/Removal Proceedings****List all Charges:**

Section 227 (a)(2)(A)(ii) 237(a)(2)(C) 237(a)(2)(D)
 Section 212 (a) ,
 Section 241 , ,

 Under Final Order dated: 01/15/99 by IJ BIA Other **Appeal Waived/Appeal Time Elapsed****Travel Document Status/History:**

08/24/99-Presentation to China Consulate by Philadelphia District - A. James

12/20/99-Travel Document Application completed and sent to Consulate

03/30/00-Consulate called; not ready to issue.

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Legal Representative / Attorney**G-28 Filed:** Yes No**Notification of Interview Made:** Yes N/A by: on:**Name of Representative / Attorney:****Mailing Address:** **Telephone Number:****Present during interview:** Yes No Alien states not being represented at this time**Criminal History****Outside the United States:** Claims None.

(specify nature of crime, whether convicted, sentence imposed, date, and country)

In the United States: YES**NCIC Checks:** Criminal History Attached (State and Federal) No record Found

Summary of NCIC Checks: FBI NCIC

07/24/74 Deportation Proceedings Buffalo INS

08/08/95 Conspiracy; Convicted Felon W/ Firearm ATF

Convicted 09/19/99?

Conspiracy to possess and transport firearm by convicted felon

New York State NCIC

09/06/72 Possession of Firearm; Willful Defacement of Machine Gun
Convicted, Sentenced 4 Years Max.01/24/74 Murder W/ Intent; Possession of a loaded firearm
Convicted Manslaughter Sentenced 5-15 Years.
Paroled 01/31/79 11 Years 11 Months**Institutional / Disciplinary Record****Did the detainee have prior Disciplinary Reports?** Yes No

If Yes, List & Describe:

Source:

Disciplinary reports and Incidents while in INS Custody? Yes No

If Yes, List & Describe:

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Specifics of Interview**Date of File Review:** 05/01/00**Date of Detainee Interview:** 05/01/00**Location of Interview:** Snyder County Prison**Interviewing Officer:#1:** John C. Crosson

#2: (optional)

Interpreter Used: Yes No

Name:

Language/Dialect:**Does the detainee have a place to live in the United States?** Yes NoAddress: 88 Elizabeth St. Apt.17
New York, NY 10013 - With Shill Ling Lee (wife)**Is the detainee subject to any parole or probation requirements?** Yes No

Describe: 3 years-supervised release; 3/18/98 which expires 3/18/2001

Does the detainee have close family ties within the United States? Yes No

Wife, Children: Sean C. Mah, 13

#1) Describe: Desiree N. Mah, 16 See Notes

Does the detainee have any community ties or non-governmental sponsors? Yes No

Describe:

Does the detainee have any employment prospects? Yes NoDescribe: Page-A-Ride
27-02 43rd Ave. > Limo Driver
Long Island City, NY 11101**What is the detainee's employment history?**Describe: Chef - Restaurant / Stake House
Country Club**What is the detainee's educational level?**

Describe: High School Diploma - GED

Does the detainee have any vocational training?

Describe: None.

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Medical/Psychological Concerns

Medical/Psychological Report / Summary: Attached None Not Available

Date and Source:

Other documentary evidence for consideration in this review:

Snyder County Prison file

Letters of support – Family and Friends

BOP record

Discussion at Interview

Notes:

Regarding entry information

Subject states he entered at Honolulu, Hawaii on 03/06/65 as a parolee.

Regarding his family ties

Subject states he is married to Shill Ling Lee and they have two children from that union, Sean C. MAH age 13 and Desiree N. MAH age 16. Subject states that his relationship with his wife is good, and if released he would reside with her and their children. Subject states he wishes to be a part of his children's life and be a good father to them. He states he has strong family support.

Regarding employment and education

Subject states that he completed his GED while in prison.

Regarding his criminal history in the US,

Subject freely admitted to his criminal past. He did not try to hide his involvement or lay blame on others. Subject stated that he is remorseful for his actions that have hurt so many people, victims, his family and himself.

Regarding his institutional record

Subject has a clear institutional record and stated that he has worked hard to stay out of trouble while in custody in hopes that it would reflect positively on his possible release.

Regarding community support and sponsors

Subject states he has a job offer as a limo driver for Page-A-Ride (see attached support letter).

Regarding him being a threat to the community or flight risk

Subject states that he does not wish to return to his past criminal activity because he does not wish to waste any more of his life in prison. He does not wish to lose any more time with his family. He states he has matured in prison and wants to have a chance to do the right thing for his future.

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The INS detainee was found **CREDIBLE** **NOT CREDIBLE**

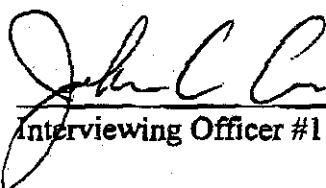
Explain:

Subject alien was direct in his responses. He maintained good eye contact and was not evasive in his explanations. Subject alien freely admitted to his criminal history and expressed remorse for his actions.

Officer Comments/Analysis & Recommendation

This subject alien has been in service custody since March of 1998 without incident. He is a hard worker and always ready to help officers and other inmates alike. It appears that this subject has come to terms with his criminal activity and has realized to effect that conduct has on the lives of all involved. He has stated his wish to be with his family and help raise his children. It appears from his actions and statements that this subject alien would not return to his criminal activities, therefore he would not be a threat to society. He states he would present himself for deportation, therefore not a flight risk.

Based on the above I recommend release at this time.



Interviewing Officer #1:

JOHN C. CROSSON
Deportation Officer
U.S. INS ALLENWOOD

5/15/00
Date:

Detain (Release)

Interviewing Officer #2:
(optional)

Reviewed by:

John L. Carter
Concur:
J.A. McDonald

5/17/00
Date:

Detain (Release)

Concur (Do Not Concur)